

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MOHAMMAD MEHDI ZANDI and
BEHROOZ ESLAMI,

Plaintiffs,

CV 05-36-JE

v.

ORDER

UNITED STATES OF AMERICA;
EDUARDO AGUIRRE, Director of
the United States Customs and Immigration
Service, and Does 1-5 inclusive,

Defendants.

HAGGERTY, Chief Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation in this action (Doc. #17), in which the Magistrate Judge recommended that defendants' alternative summary judgment motion should be granted and defendants' motion to dismiss should be denied as moot. Judge Jelderks also recommended that a judgment should be entered dismissing this action with prejudice. No objections to the Findings and Recommendation were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts Magistrate Judge Jelderks' Findings and Recommendation.

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CONCLUSION

The Magistrate's Findings and Recommendation (Doc. #17) is adopted in its entirety. Defendants' alternative summary judgment motion (Doc. #7) is GRANTED. All remaining motions are denied as moot. This action is DISMISSED with prejudice.

IT IS SO ORDERED.

Dated this 21 day of July, 2005.

/s/Ancer L.Haggerty

ANCER L. HAGGERTY
United States District Judge